

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CONCERNED PASTORS FOR SOCIAL ACTION; MELISSA MAYS;  
AMERICAN CIVIL LIBERTIES UNION OF MICHIGAN; and  
NATURAL RESOURCES DEFENSE COUNCIL, INC.,

No. 2:16-cv-10277-DML  
HON. DAVID M. LAWSON

Plaintiffs,

v

NICK A. KHOURI, et. al.,

Defendants.

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**STATE DEFENDANTS' FIRST QUARTERLY REPORT**

On June 29, 2024, this Court issued its Order Granting in Part State Defendants' Motion to Temporarily Stay City of Flint's Restoration Obligations under the Settlement Agreement. (ECF No. 289.) As part of that Order, the Court required the State Defendants to take the following action:

2. The State defendants shall submit to the Court on a quarterly basis until August 1, 2025 a report on the status of their efforts to complete excavations, replacements, and restorations required under the Settlement Agreement. (*Id.*, PageID.13436.)

The following is the State Defendants' First Quarterly Report pursuant to that Order.

## **RESTORATIONS**

At the time that the State Defendants partnered with the City of Flint to complete the restoration of residential lawns, sidewalks, and road surfaces where service line replacement work had been completed, the City and Plaintiff Natural Resources Defense Council (NRDC) believed that restoration work was still required at 1,899 properties. The State Defendants' subsequent verification efforts found that 91 of those properties either had restoration already completed or no excavation requiring restoration work had taken place because the resident had either declined to allow the City to conduct that work or had simply been non-responsive to the City's requests. Thus, the State Defendants have been focusing their efforts on the remaining 1,808 properties.

Since the transfer of Flint's existing engineering and construction contracts to the State on July 8, 2024, the following work has been conducted:

	July 8-14	July 15-26	July 29-Aug 9	Aug 11-24	Aug 26-Sept 7	Sept 8-21
Soft Restorations	70	229	60	32	62	105
Hard Restorations	0	30	42	14	36	111
No restoration needed	0	186	65	240	206	7
Homes Completed	70	240	66	44	74	120
Cumulative totals:						
Completed homes	70	310	376	419	492	612
No restoration needed	0	186	251	491	696	702
Total of all homes deemed completed	70	496	627	910	1,188	1,314
Left to do from 1,808	1738	1310	1181	898	620	494

(Ex 1, 2024-10-01 Cumulative Restoration Report.)

NRDC is monitoring the work and has sent information requests to confirm the accuracy of the State Defendants' conclusions. The State Defendants have either responded to or are in the process of responding to those requests.

Based upon the current rate of work and assuming that the weather permits work to continue at that rate, the contractors are optimistic that all the restoration work required under the settlement agreement can be completed well before the August 1, 2025 deadline and hopefully even prior to the end of 2024.

## **EXCAVATION/REPLACEMENTS**

The City contends it has completed all excavations and replacements required under the settlement agreement and has provided reports required by Orders of this Court on that subject. (ECF No. 290, PageID.13440.) The Settling Parties have a 30-day period after receipt of that report to determine if they agree with the City's conclusions. (ECF No. 237, PageID.11073.) Unfortunately, in the middle of that process, the City experienced a computer network outage as a result of a criminal ransomware attack.<sup>1</sup> Because the outage affected programs used by the City to document the work conducted, it was unable to respond to questions on its report. As a result, the parties agreed to indefinitely extend the deadline for the Settling Parties to review the City's report.

The City advised the parties on September 24, 2024 that "most functionality" had been restored to its network and relevant databases. Because that message was so recently sent, no new deadline for reviewing the City's report has been agreed to by the parties. To the

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<sup>1</sup> See, e.g., [FBI, Michigan AG investigating ransomware attack on Flint City Hall - mlive.com](#)

extent that the parties' review reveals that additional excavations and replacements are necessary to fully comply with the settlement agreement, the State Defendants are prepared to undertake and complete that work on an expedited basis.

### **WORK AT SERVICE LINES NOT SUBJECT TO THE SETTLEMENT AGREEMENT**

This Court has previously raised questions about the City's and State Defendants' intent to excavate and replace lead or galvanized steel service lines remaining in Flint that are not subject to the settlement agreement. The City has requested the State's assistance in addressing any remaining Tier 1 and Tier 2 service lines in the City. (Ex 2, 09/26/24 letter from Joseph N. Kuptz to Governor Gretchen Whitmer.) As part of its ongoing efforts to participate in rebuilding Flint's drinking water infrastructure and restore trust with City residents, the State has agreed to work with the City on these projects. Although preparatory work is already underway, actual construction work is not expected to begin until after completion of the restoration work required under the settlement agreement and any

excavation/replacement work that may still be required following the Settling Parties' review of Flint's report.

Respectfully submitted,

/s/ Richard S. Kuhl

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Dated: October 1, 2024

**CERTIFICATE OF SERVICE (E-FILE)**

I hereby certify that on October 1, 2024, I electronically filed the above document(s) with the Clerk of the Court using the ECF System, which will provide electronic copies to counsel of record.

Respectfully submitted,

/s/ Richard S. Kuhl

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